Date: July 6, 2006

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Kim Blum	15m Blum		
Name (Print)	Signature		

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	DOI et al.	Examiner:	Unassigned
Application No.:	10/562,942	Group Art Unit:	Unassigned
Filed:	December 29, 2005 )	Confirmation No.:	Unassigned
Docket No.:	3190-088	Customer No.:	33432

For:

INHIBITION OF NERVE CELL DEATH BY INHIBITING DEGRADATION OF SHC3, ATF6 or CREBL1 BY HTRA2 AND METHOD OF AMELIORATING

NEURODEGENERATIVE DISEASES

## **INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.97(b)**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

July 6, 2006

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-SB-08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Information Disclosure Statement is being submitted after expiration of the threemonth period following filing of the above-captioned application, but before an Office Action on the merits and before any Final Office Action or Notice of Allowance.

Should a first Office Action cross in the mail with the filing of this Information Disclosure statement, then applicants respectfully petition under 37 C.F.R.§ 1.97(c) to consider the documents set forth in the Information Disclosure Statement.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO-SB-08 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925 and please consider this a petition.

## Information Disclosure Statement U.S. Patent Application No. 10/562,942

Respectfully submitted,

Luke A. Kilyk Reg. No. 33,251

Atty. Docket No.: 3190-088 KILYK & BOWERSOX, P.L.L.C. 400 Holiday Court, Suite 102

Warrenton, VA 20186 Tel: (540) 428-1701 Fax: (540) 428-1720

Enclosures: PTO/SB/08 w/13 Documents

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Substitute for form 1449A/PTO				Complete if Known		
				Application Number	10/562,942	
INFORMATION DISCLOSURE				Filing Date	December 29, 2005	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				First Named Inventor	DOI et al.	
				Art Unit	Unassigned	
			ssary) 	Examiner Name	Unassigned	
Sheet	1	of	1	Attorney Docket Number	3190-088	

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		WO 03/027145 A1		04-03-03	Takahashi et al.		English Translatio
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PTO/SB/08a (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
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Substitute	for form 1449A/F	то		Application Number	10/562,942	
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Sheet	2	of	2	Attorney Docket Number	3190-088	

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.	T <sup>2</sup>				
		YAMAGUCHI et al., "Bax Plays a Pivotable Role in Thapsigargin-induced Apoptosis of Human Colon Cancer HCT116 Cells by Controlling Smac/Diablo and Omi/HtrA2 Release form Mitochondria", Cancer Research, Vol. 63, April 1, 2003, pp. 1483-1489.					
		CONTI et al., "Shc Signaling in Differentiating Neural Progenitor Cells", Nature Neuroscience, Vol. 4, No. 6, June 2001, pp. 579-586.					
		HAZE et al., "Identification of the G13 (cAMP-response-element-binding Protein-related Protein) Gene Product Related to Activating Transcription Factor 6 as a Transcriptional Activator of the Mammalian Unfolded Protein Response", Biochem. Journal, Vol. 355, 2001, pp. 19-28.					
		KAUFMAN, "Orchestrating the Unfolded Protein Response in Health and Disease", The Journal of Clinical Investigation, Vol. 110, No. 10, November 2002, pp. 1389-1398.					
		SUZUKI et al., "A Serine Protease, HtrA2, is Released from the Mitochondria and Interacts with XIAP, Inducing Cell Death", Molecular Cell, Vol. 8, September 2001, pp. 613-621.					
		HEGDE et al., "Identification of Omi-HtrA2 as a Mitochondrial Apoptotic Serine Protease that Disrupts Inhibitor of Apoptosis Protein-Caspase Interaction", The Journal of Biological Chemistry, Vol. 277, No. 1, 2002, pp. 432-438.					
		MARTINS et al., "The Serine Protease Omi-HtrA2 Regulates Apoptosis by Binding XIAP through a Reaper-like Motif", The Journal of Biological Chemistry, Vol. 277, No. 1, 2002, pp. 439-444.					
	"A Variety of Functions of a Shc Family, an Adapter Molecule Working in Phosphotyrosine-Mediated Signalings, and Progress of it's Study in Nerve System", Seikagaku, Vol. 73, No. 11, 2001, pp. 1322-1325.						
		KUDO, "ER Stress and Neurodegenerative Disease", Japan Journal of Neuropsychopharmacology, Vol. 23, No. 3, 2003, pp. 105-108.					
		SUZUKI et al., "A Novel Mitochondrial Cell Death-Inducing Factor: HtrA2/Omi", Jikken Igaku, Vol. 20, No. 1, 2002, pp. 73-75.					
		KOUGAKU, Saibou, Cell Technology, 2002, Vol., 21, No. 4, pp. 360-394.					
	International Preliminary Report on Patentability for PCT/JP2004/014378, mailed April 13, 2006.						
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